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Company GUC Trust

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>In re</b>	: <b>Chapter 11 Case No.</b>
	:
<b>MOTORS LIQUIDATION COMPANY, et al.,</b>	: <b>09-50026 (REG)</b>
<b>f/k/a General Motors Corp., et al.</b>	:
	:
<b>Debtors.</b>	: <b>(Jointly Administered)</b>
	:
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**MOTORS LIQUIDATION COMPANY GUC TRUST'S  
REPLY TO THERESA M. MCHUGH'S AND JOAN M. WALDROP'S  
RESPONSES TO OMNIBUS OBJECTIONS TO DUPLICATE  
CLAIMS FILED BY INDIVIDUAL MEMBERS OF THE DEX-COOL CLASS  
(Omnibus Objection Nos. 217 and 218)**

TO THE HONORABLE ROBERT E. GERBER,  
UNITED STATES BANKRUPTCY JUDGE:

The Motors Liquidation Company GUC Trust (the “**GUC Trust**”), formed by the  
above-captioned debtors (collectively, the “**Debtors**”)<sup>1</sup> in connection with the Debtors’ Second  
Amended Joint Chapter 11 Plan, dated March 18, 2011 (as may be amended, supplemented, or  
modified from time to time), file this reply (the “**Reply**”) to the Responses (defined below)

<sup>1</sup> The Debtors are Motors Liquidation Company (f/k/a General Motors Corporation) (“**MLC**”), MLCS, LLC (f/k/a Saturn, LLC), MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation), MLC of Harlem, Inc. (f/k/a Chevrolet-Saturn of Harlem, Inc.), Remediation and Liability Management Company, Inc., and Environmental Corporate Remediation Company, Inc.

interposed to the 217th and 218th Omnibus Objections to Claims (Duplicate Claims Filed by Individual Members of the Dex-Cool Class) (ECF Nos. 9907 and 9908) (the “**Omnibus Objections**”), and respectfully represent:

**Preliminary Statement**

1. On March 24, 2011, the Debtors filed the Omnibus Objections, and a hearing on the Omnibus Objections is scheduled for April 26, 2011 at 9:45 a.m. The Omnibus Objections seek the disallowance and expungement of certain proofs of claim filed by individual members of the Dex-Cool Class (defined below) on the basis that the claims are duplicative of Proof of Claim No. 51095 filed by counsel for the Dex-Cool Class (the “**Dex-Cool Class Action Claim**”) and are inconsistent with a complete and general release previously provided by members of the Dex-Cool Class to the Debtors as part of a class action settlement (the “**Dex-Cool Class Action Settlement**”).<sup>2</sup>

2. Responses to the Omnibus Objections were due by April 19, 2011 at 4:00 p.m. (the “**Response Deadline**”). Prior to the Response Deadline, the GUC Trust received two responses (collectively, the “**Responses**”). Specifically, the Responses include letters from Joan M. Waldrop and Theresa M. McHugh (collectively, the “**Responding Parties**”). Court records indicate that both the Responding Parties are members of the Dex-Cool Class.

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<sup>2</sup> As set forth in the Omnibus Objections, the Dex-Cool Class Action Claim was filed by class action plaintiffs (the “**Dex-Cool Plaintiffs**”) on behalf of themselves and a class of all others similarly situated (collectively, the “**Dex-Cool Class**” and, together with the Dex-Cool Plaintiffs, the “**Dex-Cool Parties**”). (See Dex-Cool Class Action Claim, attached to the Omnibus Objections as Ex. C (ECF Nos. 9907 and 9908).) The Dex-Cool Class Action Claim asserts a claim in the amount of \$3,000,000 for class consideration based on the Dex-Cool Class Action Settlement, which settled claims against General Motors Corporation (“**GM**”) relating to “Dex-Cool” extended life engine coolants (the “**Dex-Cool Class Actions**”). The Dex-Cool Class Action Settlement was entered into and approved by a California and Missouri court prior to GM’s bankruptcy filing, but, due to the Debtors’ chapter 11 filings, consideration under the settlement could not be provided to all members of the Dex-Cool Class. Thus, the Dex-Cool Class Action Claim seeks consideration purportedly due to certain remaining members of the Dex-Cool Class.

3. On March 29, 2011, Ms. Waldrop wrote to The Garden City Group, Inc. (“**Garden City**”), stating that she opposes the relief sought in the Omnibus Objections with respect to her claim nos. 4810 and 70028.<sup>3</sup> (*See* Mar. 29, 2011 Ltr. from J. Waldrop, attached hereto as Ex. 3.) In her letter, Ms. Waldrop opposes the disallowance and expungement of her claim nos. 4810 and 70028 on the basis that “an error was committed by Garden City Group” in the processing of her claims. (*See id.*) Specifically, Ms. Waldrop appears to believe that the Omnibus Objections are based on a duplicate claim that she alleges Garden City filed without her authorization. (*See id.*)<sup>4</sup>

4. After receiving Ms. Waldrop’s letter, counsel for the GUC Trust attempted to contact her to address her concerns. (*See* Apr. 15, 2011 Ltr. from S. Decker, attached hereto as Ex. 4.) Ms. Waldrop responded to counsel for the GUC Trust’s letter and stated that her concerns had been addressed by counsel for the Dex-Cool Class.<sup>5</sup> (*See* Apr. 15, 2011 Email from J. Waldrop, attached hereto as Ex. 5.) Accordingly, counsel for the Dex-Cool Class attempted to contact Ms. Waldrop to determine whether she continues to oppose the relief sought in the Omnibus Objections, but was unable to reach her. Counsel for the Dex-Cool Class then wrote to Ms. Waldrop, explaining the relief requested in the Omnibus Objections and confirming that her claims were covered by the Dex-Cool Class Action Settlement. (*See* Apr. 19, 2011 Ltr.

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<sup>3</sup> Ms. Waldrop’s claim no. 4810 is subject to the 217th Omnibus Objection, and her claim no. 70028 is subject to the 218th Omnibus Objection. (*See* Proof of Claim No. 4810, attached hereto as Ex. 1; Proof of Claim No. 70028, attached hereto as Ex. 2.)

<sup>4</sup> As an informal response in the form of a letter to Garden City, Ms. Waldrop’s Response was never filed on the Court’s docket, in contravention of this Court’s order establishing certain notice and case management procedures (ECF No. 8360) (the “**Case Management Order**”). Accordingly, Ms. Waldrop’s failure to comply with the Case Management Order is an additional basis upon which the Court should grant the relief requested in the Omnibus Objections.

<sup>5</sup> The GUC Trust’s counsel has learned that Ms. Waldrop has spoken with a representative of Girard Gibbs, LLP, counsel for the Dex-Cool Class, on at least three separate occasions concerning the Dex-Cool Class Action Settlement.

from A.J. De Bartolomeo (without attachments), attached hereto as Ex. 6.) Ms. Waldrop has not responded to indicate whether she continues to oppose the Omnibus Objections.

5. Also on March 29, 2011, Ms. McHugh sent a letter to the Court regarding her claim no. 70305 (ECF No. 10066).<sup>6</sup> In her letter, Ms. McHugh states that she opposes the disallowance and expungement of her claim no. 70305 because she has not yet received any consideration under the Dex-Cool Class Action Settlement. (*See id.*) Since receiving her letter, counsel for the GUC Trust and the Dex-Cool Class have spoken to Ms. McHugh and have attempted to explain the relief sought in the Omnibus Objections. In addition, at Ms. McHugh's request, counsel for the Dex-Cool Class wrote to Ms. McHugh to explain the nature of the Omnibus Objections and to confirm that her claim is covered by the Dex-Cool Class Action Settlement. (*See* Apr. 12, 2011 Ltr. from A.J. De Bartolomeo (without attachments), attached hereto as Ex. 8.) However, Ms. McHugh has indicated that she continues to oppose the Omnibus Objections. (*See* Apr. 19, 2011 Email from T. McHugh, attached hereto as Ex. 9.)

6. Despite the aforementioned attempts to resolve the issues raised in the Responses, the Responding Parties appear to continue to oppose the relief requested in the Omnibus Objections.

7. Notwithstanding the Responding Parties' opposition, the Responses should both be disregarded because claim nos. 4810, 70028, and 70305 (collectively, the "**Individual Dex-Cool Claims**") are duplicative of the Dex-Cool Class Action Claim filed by counsel for the Dex-Cool Class. The Responding Parties previously decided not to opt out of the Dex-Cool Class and, in fact, have affirmatively submitted claims for relief in the Dex-Cool Class Action Settlement process. Thus, to the extent the Responding Parties have a right to any relief

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<sup>6</sup> Ms. McHugh's claim no. 70305 is subject to the 217th Omnibus Objection. (*See* Proof of Claim No. 70305, attached hereto as Ex. 7.)

against MLC based on the Dex-Cool Class Actions, their recovery is limited to the relief available under the Dex-Cool Class Action Settlement. Accordingly, the GUC Trust files this Reply in support of the Omnibus Objections and respectfully requests that the Individual Dex-Cool Claims be disallowed and expunged because they are duplicative of the Dex-Cool Class Action Claim.

**The Individual Dex-Cool Claims Should Be Disallowed and Expunged**

8. The Responding Parties have failed to demonstrate the validity of their claims and, thus, the Individual Dex-Cool Claims should be disallowed and expunged. *See, e.g., In re Oneida, Ltd.*, 400 B.R. 384, 389 (Bankr. S.D.N.Y. 2009), *aff'd*, No. 09 Civ. 2229 (DC), 2010 WL 234827 (S.D.N.Y. Jan. 22, 2010) (claimant has burden to demonstrate validity of claim when objection is asserted refuting claim's essential allegations); *In re Finley, Kumble, Wagner, Heine, Underberg, Manley, Myerson, & Casey*, 160 B.R. 882, 894 (Bankr. S.D.N.Y. 1993) ("In bankruptcy, multiple recoveries for an identical injury are generally disallowed.").

**A. The Individual Dex-Cool Claims Are Duplicative of the Dex-Cool Class Action Claim.**

9. The Responding Parties are members of the Dex-Cool Class who did not exercise their right to opt out of the settlement. Further, the Individual Dex-Cool Claims are plainly based on the Dex-Cool Class Action Settlement. On October 5, 2009, Ms. Waldrop filed her claim seeking reimbursement in the amount of \$859.23 for "damage to vehicle from use of Dex-Cool by GM." (*See* Proof of Claim No. 4810 (Ex. 1).) In support of her claim, Ms. Waldrop submitted a Notice of Deficiency received in connection with her claim for reimbursement under the Dex-Cool Class Action Settlement, certain repair receipts, and a Complaint Form from the Office of the Attorney General, Bureau of Consumer Frauds and Protection, filed against Garden City in connection with the payment of settlement consideration

under the Dex-Cool Class Action Settlement. (*See id.*) Further, on February 22, 2010, Ms. Waldrop submitted additional documentation, including a receipt for repairs purportedly relating to the use of Dex-Cool. (*See* Proof of Claim No. 70028 (Ex. 2).) Accordingly, claim nos. 4810 and 70028 seek consideration based on the Dex-Cool Class Action Settlement.

10. Similarly, Ms. McHugh's claim is clearly based on the Dex-Cool Class Action Settlement. On June 1, 2010, Ms. McHugh filed her claim seeking reimbursement in the amount of \$610.93 for "services performed to repair deficient materials." (*See* Proof of Claim No. 70305 (Ex. 7).) In support of her claim, Ms. McHugh attached correspondence concerning the Dex-Cool Class Action Settlement as well as the Claim Statement she submitted in connection with the Dex-Cool Class Action Settlement. (*See id.*) Thus, claim no. 70305 also seeks consideration relating to the Dex-Cool Class Action Settlement.<sup>7</sup>

11. The Dex-Cool Class Action Claim was filed on behalf of all members of the Dex-Cool Class, including the Responding Parties, for consideration due to certain members of the Dex-Cool Class who had not received consideration under the Dex-Cool Class Action Settlement because of the Debtors' bankruptcy proceeding. (*See* Dex-Cool Class Action Claim, attached to the Omnibus Objections as Ex. C (ECF Nos. 9907 and 9908).) On December 1, 2009, this Court entered an order (the "**Stipulated Order**"), which permitted class counsel for the Dex-Cool Class to file, *on behalf of all members of the Dex-Cool Class*, the Dex-Cool Class Action Claim against the Debtors.<sup>8</sup> (*See* Stipulated Order, attached to the Omnibus Objections

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<sup>7</sup> Notably, Ms. McHugh's claim was submitted in violation of the Bar Date Order (ECF No. 4079), which, among other things, established November 30, 2009 as the deadline for filing proofs of claim against the Debtors (the "**Bar Date**"). Because Ms. McHugh's claim is subject to disallowance and expungement on the basis that it was filed after the Bar Date, she will only be entitled to consideration under the Dex-Cool Class Action Settlement by virtue of the Dex-Cool Class Action Claim.

<sup>8</sup> Girard Gibbs had previously been appointed as counsel for the Dex-Cool Class by the Superior Court of the State of California, County of Alameda and the Circuit Court of Jackson County, Missouri at Independence.

as. Ex. D (ECF Nos. 9907 and 9908).) Through the Stipulated Order, counsel for the Dex-Cool Class “consents to” and “is deemed to be the claimant” for purposes of receiving notices and distributions on behalf of the members of the Dex-Cool Class. (*See id.*) Accordingly, the Individual Dex-Cool Claims are duplicative of the Dex-Cool Class Action Claim and should be disallowed and expunged. *See In re Finley, Kumble, Wagner, Heine, Underberg, Manley, Myerson, & Casey*, 160 B.R. at 894.

**B. The Responding Parties Released Their Individual Claims in the Dex-Cool Class Action Settlement.**

12. Moreover, to the extent the Responding Parties filed the Individual Dex-Cool Claims to obtain consideration over and above what is due under the terms of the Dex-Cool Class Action Settlement, their claims are without merit. Except for “opt outs,” all members of the Dex-Cool Class, including the Responding Parties, released any and all claims relating to the Dex-Cool Class Actions in the Dex-Cool Class Action Settlement.

13. Recently, the Debtors and the Dex-Cool Parties reached an agreement to resolve the Dex-Cool Class Action Claim (the “**Agreement**”) and have asked this Court to approve the Agreement such that the Dex-Cool Class Action Settlement can be implemented, as modified. (*See* Motion for Entry of Order Pursuant to Fed. R. Bankr. P. 9019 and Fed. R. Civ. P. 23 Approving Agreement Resolving Proof of Claim No. 51095 and Implementing Modified Dex-Cool Class Settlement (ECF No. 9905) (the “**Dex-Cool Modification Motion**”).) As set forth in the Dex-Cool Modification Motion, members of the Dex-Cool Class who are entitled to relief under the terms of the Dex-Cool Class Action Settlement, as modified, will largely obtain a general unsecured claim in the amount they would have received pre-bankruptcy under the Dex-Cool Class Action Settlement. Consequently, if the Agreement is approved, the Responding Parties will obtain a *pro rata* distribution based on the Dex-Cool Class Action Claim that is

substantially similar to what they would have received under the terms of the original Dex-Cool Class Action Settlement.

14. Because the Responding Parties are members of the Dex-Cool Class who did not exercise their right to opt out of the settlement, they previously released their individual claims under the Dex-Cool Class Action Settlement. Accordingly, the only right to consideration the Responding Parties have is for class consideration under the Dex-Cool Class Action Settlement. Another proof of claim has already been filed for the Dex-Cool Class, and, as such, the Individual Dex-Cool Claims are duplicative and should be disallowed and expunged.

### **Conclusion**

WHEREFORE, for the reasons set forth above and in the Omnibus Objections, the GUC Trust respectfully requests that the Court grant the relief requested in the Omnibus Objections and such other and further relief as is just.

Dated: New York, New York  
April 21, 2011

/s/ Joseph H. Smolinsky  
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Attorneys for Motors Liquidation  
Company GUC Trust



# **EXHIBIT 1**



UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
<p>Name of Debtor (Check Only One)</p> <p><input checked="" type="checkbox"/> Motors Liquidation Company (f/k/a General Motors Corporation)</p> <p><input type="checkbox"/> MLCS, LLC (f/k/a Saturn, LLC)</p> <p><input type="checkbox"/> MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation)</p> <p><input type="checkbox"/> MLC of Harlem, Inc (f/k/a Chevrolet-Saturn of Harlem, Inc)</p> <p>Case No</p> <p>09-50026 (REG)</p> <p>09-50027 (REG)</p> <p>09-50028 (REG)</p> <p>09-13558 (REG)</p>	<p><b>Your Claim is Scheduled As Follows.</b></p> <div style="text-align: center; margin-top: 20px;"> </div>	
<p><small>NOT: This form should not be used to make a claim for an administrative expense arising after the commencement of the case but may be used for purposes of asserting a claim under 11 U.S.C. § 503(b)(9) (see item # 5). All other requests for payment of an administrative expense should be filed pursuant to 11 U.S.C. § 503.</small></p>		
<p>Name of Creditor (the person or other entity to whom the debtor owes money or property) <b>Joan M. WALDROP</b></p> <p>Name and address where notices should be sent</p> <p><b>MRS. JOAN M. WALDROP</b> <b>169 CEDARVIEW DR</b> <b>WATERLUT, NY 12189</b></p> <p>Telephone number <b>518-783-6131</b></p> <p>Email Address <b>JWALDR03@NYCAP.BR.COM</b></p>	<p><input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim</p> <p>Court Claim Number _____ (If known)</p> <p>Filed on _____</p>	
<p>Name and address where payment should be sent (if different from above)</p> <p><b>FILED - 04810</b> <b>MOTORS LIQUIDATION COMPANY</b> <b>F/K/A GENERAL MOTORS CORP</b> <b>SDNY # 09-50026 (REG)</b></p> <p>Telephone number _____</p>	<p><input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars</p> <p><input type="checkbox"/> Check this box if you are the debtor or trustee in this case</p>	
<p><b>1 Amount of Claim as of Date Case Filed, June 1, 2009</b> \$ <b>859.27</b></p> <p>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. If all or part of your claim is asserted pursuant to 11 U.S.C. § 503(b)(9), complete item 5</p> <p><input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges</p>		
<p><b>2 Basis for Claim</b> <u>Damage to Vehicle FROM USE of DEFCOOL by GM</u> (See instruction #2 on reverse side)</p>		
<p><b>3. Last four digits of any number by which creditor identifies debtor</b> _____</p> <p><b>3a. Debtor may have scheduled account as</b> _____ (See instruction #3a on reverse side)</p>		
<p><b>4 Secured Claim</b> (See instruction #4 on reverse side) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information</p> <p>Nature of property or right of setoff <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Equipment <input type="checkbox"/> Other Describe _____</p> <p>Value of Property \$ _____ Annual Interest Rate % _____</p> <p>Amount of arrearage and other charges as of time case filed included in secured claim, if any \$ _____</p> <p>Basis for perfection _____</p> <p>Amount of Secured Claim \$ _____ Amount Unsecured \$ _____</p>		
<p><b>6 Credits</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim</p> <p><b>7 Documents</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side)</p> <p>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING</p> <p>If the documents are not available, please explain in an attachment _____</p>		
<p><b>Date</b> <u>9/29/09</u></p> <p><b>Signature</b> The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.</p> <p><i>Joan M. Waldrop</i></p>		<p><b>FOR COURT USE ONLY</b></p>

DX2-DF1



JOAN M WALDROP  
169 CEDARVIEW DR  
WATERVLIET NY 12189-2955



Date January 30, 2009

Response Due Date March 16, 2009

Claim NO 00028344

**NOTICE OF DEFICIENCY**

Dear JOAN M WALDROP

The Claim Statement you submitted in the Dex Cool Litigation Settlement was processed and found to be deficient

**Reason for Deficiency:**

**Mileage.** The repair documentation submitted with your Claim Statement did not establish there were 150,000 miles or less on the vehicle at the time of the Covered Repair.

**How to Resolve Your Claim's Deficiency.**

**Mileage.** Please provide documentation that establishes there were 150,000 miles or less on the vehicle at the time of the Covered Repair. Acceptable documentation includes a repair invoice or a receipt showing mileage of the vehicle at the time of the Covered Repair; or a written statement of the vehicle's mileage at the time of the Covered Repair.

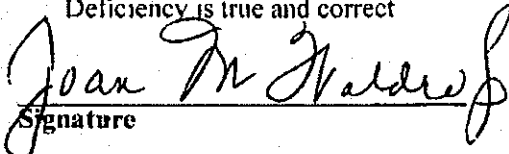
Please sign and print your name below


Please return the requested documentation and a copy of this letter to the following address:  
Dex Cool Litigation, c/o The Garden City Group, Inc., PO Box 9239, Dublin, OH 43017-4639.

Depending upon your circumstances, you may be able to cure the Deficiency Reason stated above. If your response to this Deficiency Notice does not cure the Deficiency Reason stated above, on or before March 16, 2009, your Claim will be deemed invalid and you will not receive a Settlement reimbursement check. No further correspondence will be sent to you regarding your Claim.

I certify that the following is true and correct to the best of my knowledge and belief

- (a) I own or lease, or previously owned or leased, a Covered Vehicle on which a Covered Repair was completed within the earlier of seven years or 150,000 miles of the Date of Initial Vehicle Delivery, and
- (b) the information I have provided on the Claim Statement previously submitted and in response to this Notice of Deficiency is true and correct

  
Signature

  
Print Name

You must submit your response to the Claims Administrator NO LATER THAN March 16, 2009.

Questions? Please call toll-free 866-245-4291 or visit [www.dexcoolsettlement.com](http://www.dexcoolsettlement.com)

# AUTO REPAIR ORDER

709 6194      785555

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH THE NECESSARY MATERIAL, AND HEREBY GRANT YOU AND/OR YOUR EMPLOYEES PERMISSION TO OPERATE THE CAR TRUCK OR VEHICLE HEREIN DESCRIBED ON STREETS, HIGHWAYS OR ELSEWHERE FOR THE PURPOSE OF TESTING AND/OR INSPECTION. AN EXPRESS MECHANICS LIEN IS HEREBY ACKNOWLEDGED ON ABOVE CAR TRUCK OR VEHICLE TO SECURE THE AMOUNT OF REPAIRS THERETO.

YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

TEARDOWN ESTIMATE I UNDERSTAND THAT MY CAR WILL BE REASSEMBLED WITHIN \_\_\_\_\_ DAYS  
OF THE DATE SHOWN IF I CHOOSE NOT TO AUTHORIZE THE SERVICES RECOMMENDED

1 I request an estimate of writing before you begin replying

2 Please proceed with repairs but call me before continuing if the price will exceed \$

☐ I do not want an separate

## AUTO REPAIR ORDER



## ANDY VOSBURGH

315 TROY - SCHENECTADY RD LATHAM, NY 12110  
(518) 785-5555

I Andy Vosburgh owner of  
Andy. Vosburgh AUTO Repair  
STATE THAT THE MILEAGE WAS APP  
ABOUT 77,000 MILES OF TIME OF REPAIR

Thank you  
Andy Vosburgh  
A stylized handwritten signature of Andy Vosburgh, consisting of a long horizontal stroke with a loop at the end.



ATTORNEY GENERAL ANDREW M CUOMO  
STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
BUREAU OF CONSUMER FRAUDS AND PROTECTION  
120 Broadway, 3rd Floor  
New York, NY 10271-0332  
Tel (212) 416-8345 Fax (212) 416-8787

## COMPLAINT FORM

Consumer Hotline For Hearing Impaired  
1 (800) 771-7755 TDD (800) 788-9898  
<http://www.oag.state.ny.us>

- 1 PLEASE BE SURE TO COMPLAIN TO THE COMPANY OR INDIVIDUAL BEFORE FILING
- 2 PLEASE TYPE OR PRINT CLEARLY IN DARK INK.
- 3 YOU MUST COMPLETE THE ENTIRE FORM INCOMPLETE OR UNCLEAR FORMS WILL BE RETURNED TO YOU
- 4 MAKE SURE YOU ENCLOSE COPIES OF IMPORTANT PAPERS CONCERNING YOUR TRANSACTION.

<b>CONSUMER</b>			
YOUR NAME joan m waldrop		HOME TELEPHONE NUMBER 518-783-6131	
STREET ADDRESS 169 cedarview drive		BUSINESS TELEPHONE NUMBER	
CITY/TOWN watervliet	COUNTY albany	STATE ny	ZIP 12189
<b>COMPLAINT</b>			
NAME OF SELLER OR PROVIDER OF SERVICES The Garden City Group		NAME OF OTHER SELLER OR PROVIDER OF SERVICES re Dex Cool Litigation	
STREET ADDRESS PO box 9239		STREET ADDRESS	
CITY/TOWN Dublin, Ohio 43017-4639	STATE	ZIP	CITY/TOWN STATE ZIP
TELEPHONE NUMBER 1(866)245-4291		TELEPHONE NUMBER	
DATE OF TRANSACTION	COST OF PRODUCT OR SERVICE \$	HOW PAID (Check those which apply) <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other	
DID YOU SIGN A CONTRACT? <input type="checkbox"/> Yes <input type="checkbox"/> No	WHERE DID YOU SIGN THE CONTRACT?	DATE SIGNED	
WAS PRODUCT OR SERVICE ADVERTISED? <input type="checkbox"/> Yes <input type="checkbox"/> No	WHERE WAS IT ADVERTISED?	DATE ADVERTISED	
TYPE OF COMPLAINT (e.g. car, mail order, etc. Use the reverse side of this form to provide details) class action suit			
DATE YOU COMPLAINED TO THE COMPANY OR INDIVIDUAL October 2008 <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Telephone <input type="checkbox"/> In Person		PERSON CONTACTED claims administrator	JOB TITLE
NATURE OF RESPONSE class action suit was settled by court action in January		DATE OF RESPONSE	
HAS MATTER BEEN SUBMITTED TO ANOTHER AGENCY OR ATTORNEY? (If "Yes," give name and address) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
IS COURT ACTION PENDING? (Please describe as necessary) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>ADDITIONAL INFORMATION</b>			
MANUFACTURER OF PRODUCT Dex Cool for General Motors Vehicles		PRODUCT MODEL OR SERIAL NUMBER	
ADDRESS		WARRANTY EXPIRATION DATE	
DID BUSINESS ARRANGE FINANCING? (If "Yes," give name and address of bank or finance company) <input type="checkbox"/> Yes <input type="checkbox"/> No			

PLEASE DESCRIBE COMPLAINT ON REVERSE SIDE

## BRIEFLY DESCRIBE YOUR COMPLAINT:

i participated in the class action suit and was to be included in the settlement. In January they notified me that some information was missing from my submission and that i had until March 16, 2009 to submit it. I submitted it in January and have a return receipt notification that they received it in January 2009. I have spoken with the company several times and communicated by email with them. I have not received my funds which were promised and the company spokesman keeps telling me they are busy processing claims. In March, he told me they would be completed by the end of April. At the end of April, he told me they would be completed by the end of May. It is now the end of May, 2009 and I have yet to see the funds.

My car was damaged by this coolant as were many others. It cost me \$800 to repair the damage. I am due at least \$400 from the litigation

I do not trust these people administering this litigation. The lawyers are making a fortune from this and those of us damaged by this company are "cooling" our heels waiting for our just settlement. Someone is making a great deal of money from the interest income. (However, if the economy was better, they would be making even more. Maybe that's why it's taking so long. Takes longer to make money these days.)

**I am just a senior citizen trying hard to live by the rules and survive in this economy. The settlement would be mighty helpful to me as the \$800 repair bill really hurt.**

**Is there any way you can find out if this company is legitimate. Are they "doing the best they can" or not?**

WHAT FORM OF RELIEF ARE YOU SEEKING? (e.g., exchange, repair or money back, etc.) settlement funds

WHO REFERRED YOU TO THIS OFFICE? my own knowledge of state government

**READ THE FOLLOWING BEFORE SIGNING BELOW**

PLEASE ATTACH TO THIS FORM **PHOTOCOPIES** of any papers involved (contracts, warranties, bills received, canceled checks, correspondence, etc.) **DO NOT SEND ORIGINALS.**

**NOTE:** In order to resolve your complaint, we may send a copy of this form to the person or firm about whom you are complaining.

In filing this complaint, I understand that the Attorney General is not my private attorney, but represents the public in enforcing laws designed to protect the public from misleading or unlawful business practices. I also understand that if I have any questions concerning my legal rights or responsibilities, I should contact a private attorney. I have no objection to the contents of this complaint being forwarded to the business or person the complaint is directed against. The above complaint is true and accurate to the best of my knowledge.

I also understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

**Signature**

for 777 1/2 lbs.

Date \_\_\_\_\_

535 1009

**HAVE YOU ENCLOSED COPIES OF IMPORTANT PAPERS?**

**Return to.      Office of the Attorney General  
Bureau of Consumer Frauds and Protection  
120 Broadway, 3rd Floor  
New York, NY 10271-0332**

## **EXHIBIT 2**



7015472

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
<p><b>Name of Debtor (Check Only One)</b></p> <p><input checked="" type="checkbox"/> Motors Liquidation Company (f/k/a General Motors Corporation)</p> <p><input type="checkbox"/> MLCS, LLC (f/k/a Saturn, LLC)</p> <p><input type="checkbox"/> MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation)</p> <p><input type="checkbox"/> MLC of Harlem, Inc (f/k/a Chevrolet-Saturn of Harlem, Inc)</p>		<p><b>Case No</b></p> <p>09-50026 (REG)</p> <p>09-50027 (REG)</p> <p>09-50028 (REG)</p> <p>09-13558 (REG)</p>
<p>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case but may be used for purposes of asserting a claim under 11 U.S.C. § 503(b)(9) (see Item # 5). All other requests for payment of an administrative expense should be filed pursuant to 11 U.S.C. § 503.</p>		
<p><b>Name of Creditor (the person or other entity to whom the debtor owes money or property)</b> JOAN WALDROP</p>	<p><input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim</p>	
<p><b>Name and address where notices should be sent</b></p> <p>JOAN WALDROP</p> <p>169 CEDARVIEW LANE</p> <p>WATERVLIET NY 12189</p>	<p><b>Court Claim Number</b> _____</p> <p>(If known)</p> <p><b>Filed on</b> _____</p>	
<p><b>Telephone number</b> 518-783-6131</p> <p><b>Email Address</b> JWALDROP2@NYCAP.RR.COM</p>	<p><input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars</p> <p><input type="checkbox"/> Check this box if you are the debtor or trustee in this case</p>	
<p><b>Name and address where payment should be sent (if different from above)</b></p> <p style="text-align: center;">FILED - 70028</p> <p style="text-align: center;">MOTORS LIQUIDATION COMPANY</p> <p style="text-align: center;">F/K/A GENERAL MOTORS CORP</p> <p style="text-align: center;">SDNY # 09-50026 (REG)</p>		
<p><b>1 Amount of Claim as of Date Case Filed, June 1, 2009</b> \$ <u>859.23</u></p> <p>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. If all or part of your claim is asserted pursuant to 11 U.S.C. § 503(b)(9), complete item 5.</p> <p><input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.</p>		
<p><b>2 Basis for Claim</b> <u>Damage to 2003 Chevy Impala due to theft</u></p> <p>(See instruction #2 on reverse side.) <u>Placed in vehicle by G.M.</u></p>		
<p><b>3 Last four digits of any number by which creditor identifies debtor:</b> _____</p> <p><b>3a. Debtor may have scheduled account as</b> _____</p> <p>(See instruction #3a on reverse side.)</p>		
<p><b>4. Secured Claim</b> (See instruction #4 on reverse side)</p> <p>Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.</p> <p><b>Nature of property or right of setoff.</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Equipment <input type="checkbox"/> Other</p> <p><b>Describe:</b> _____</p> <p><b>Value of Property:</b> \$ _____ <b>Annual Interest Rate:</b> % _____</p> <p><b>Amount of arrearage and other charges as of time case filed included in secured claim, if any:</b> \$ _____</p> <p><b>Basis for perfection</b> _____</p> <p><b>Amount of Secured Claim:</b> \$ _____ <b>Amount Unsecured:</b> \$ _____</p>		
<p><b>6 Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.</p> <p><b>7 Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)</p> <p>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.</p> <p>If the documents are not available, please explain in an attachment.</p>		
<p><b>Date</b> <u>2/7/10</u></p> <p><b>Signature.</b> The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.</p> <p style="text-align: center;"><i>Joan M Waldrop</i></p>		<p><b>5 Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a).</b> If any portion of your claim falls in one of the following categories, check the box and state the amount.</p> <p><input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4)</p> <p><input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5)</p> <p><input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7)</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)</p> <p><input type="checkbox"/> Value of goods received by the Debtor within 20 days before the date of commencement of the case - 11 U.S.C. § 503(b)(9) (§ 507(a)(2))</p> <p><input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)( ) _____</p> <p style="text-align: center;">Amount entitled to priority.</p> <p style="text-align: center;">\$ _____</p> <p style="font-size: small;">*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</p>
<p><b>FOR COURT USE ONLY</b></p>		<p><b>Penalty for presenting fraudulent claim:</b> Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.</p> <p>Modified B10 (GCG) (12/88)</p>



7581046293

DX2-Df1



IOAN M WALDROP  
169 CEDARVIEW DR  
WATERVLIET NY 12189-2955

Date January 30, 2009

Response Due Date March 16, 2009



Claim NO 000283-44

**NOTICE OF DEFICIENCY**

Dear IOAN M WALDROP

The Claim Statement you submitted in the Dex Cool Litigation Settlement was processed and found to be deficient.

**Reason for Deficiency.**

**Mileage.** The repair documentation submitted with your Claim Statement did not establish there were 150,000 miles or less on the vehicle at the time of the Covered Repair.

**How to Resolve Your Claim's Deficiency.**

**Mileage.** Please provide documentation that establishes there were 150,000 miles or less on the vehicle at the time of the Covered Repair. Acceptable documentation includes a repair invoice or a receipt showing mileage of the vehicle at the time of the Covered Repair; or a written statement of the vehicle's mileage at the time of the Covered Repair.

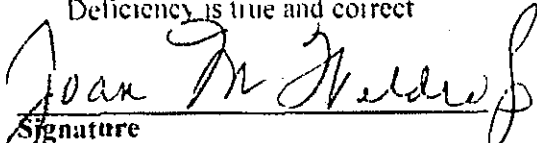
Please sign and print your name below


Please return the requested documentation and a copy of this letter to the following address:  
Dex Cool Litigation, c/o The Garden City Group, Inc., PO Box 9239, Dublin, OH 43017-4639.

Depending upon your circumstances, you may be able to cure the Deficiency Reason stated above. If your response to this Deficiency Notice does not cure the Deficiency Reason stated above, on or before March 16, 2009, your Claim will be deemed invalid and you will not receive a Settlement reimbursement check. No further correspondence will be sent to you regarding your Claim.

I certify that the following is true and correct to the best of my knowledge and belief

- (a) I own or lease, or previously owned or leased a Covered Vehicle on which a Covered Repair was completed within the earlier of seven years or 150,000 miles of the Date of Initial Vehicle Delivery, and
- (b) the information I have provided on the Claim Statement previously submitted and in response to this Notice of Deficiency is true and correct

  
Signature

  
Print Name

You must submit your response to the Claims Administrator NO LATER THAN March 16, 2009.

Questions? Please call toll-free 866-245-4291 or visit [www.dexcoolsettlement.com](http://www.dexcoolsettlement.com)

# 7-1990 AUTO REPAIR ORDER

NAME

JOAN M WALDROP

ADDRESS

169 CODRUS. ex h. 20

CITY STATE

water velocity 12189

709 6194 785555

3. I do not want to litigate

## AUTO REPAIR ORDER



**ANDY VOSBURGH**

315 TROY - SCHENECTADY RD LATHAM, NY 12110  
(518) 785-5555

I Andy Vosburgh owner of  
Andy Vosburgh AUTO Repair  
STATE THAT THE MILEAGE WAS APP  
ABOUT 77,000 MILES OF TIME OF REPAIR

Thank you  
Andy Vosburgh  
A stylized, handwritten flourish or signature mark consisting of a series of loops and a long horizontal stroke.

# **EXHIBIT 3**

March 29, 2011

Motors Liquidation Company

Garden City Group

PO Box 9386

Dublin, Ohio 43017

Attention: MLC Representatives



Yesterday, March 28, 2011, I received two large documents from the law firm of Weil, Gotshal & Manges, LLP 767 Fifth Avenue, NY, NY 10153 who are listed as Attorneys for Debtors and Debtors in Possession with United States Bankruptcy Court, Southern District of New York In re Motors Liquidation Company, et al, f/k/a General Motors Corp., et al. Debtors.

**In these documents I am listed as a person whose claim is to be expunged from payment due to duplicate filing of claim.**

**Be it known from this day forward, I have only filed one claim for payment in amount of \$859.23 with original claim # of 6334 at the Garden City Group.**

After filing the claim, the lawyers from the Garden City Group, who were processing the claims, sent me a notice that the claim I had filed lacked information required. It required that my mechanic list on bill for repairs, the mileage at the time of repairs. He submitted that information on letterhead from the mechanics company. That is the only information I supplied to anyone after the initial claim.

It is my understanding that the lawyer for Garden City Group then filed a new claim with the information which was to be added to my original claim. That lawyer filed a duplicate Garden City Group claim #28344 That lawyer did not represent me, was not hired by me, was not asked by me to file a new claim. I have never had a lawyer involved in this laborious exercise with whom I have contracted or paid to represent me.

**This error was committed by Garden City Group and needs to be rectified with the Court by them.**

Respectfully,

A handwritten signature in dark ink, appearing to read 'Joan M. Waldrop', is written over the word 'Respectfully,'. The signature is fluid and cursive.

Joan M. Waldrop 169 Cedarview Drive, Watervliet, NY 12189 Phone 518-783-6131  
[jwaldro2@nycap.rr.com](mailto:jwaldro2@nycap.rr.com)

CC: WEIL, GOTSHAL, MANGES, LLP

# **EXHIBIT 4**

200 Cr scent Court, Suite 300  
Dallas, TX 75201-6950  
+1 214 746 7700 tel  
+1 214 746 7777 fax

**Weil, Gotshal & Manges LLP**

Sarah Decker  
214-746-8141  
sarah.decker@weil.com

Via Email and Federal Express

April 15, 2011

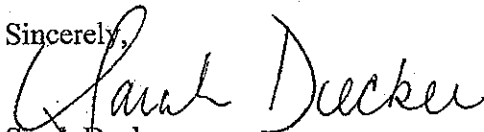
Joan M. Waldrop  
169 Cedarview Drive  
Watervliet, New York 12189

Ms. Waldrop:

I am an attorney for Motors Liquidation Company GUC Trust, successor to Motors Liquidation Company (f/k/a General Motors Corporation), and its affiliated debtors (collectively, the "Debtors"). I received a copy of your letter to Garden City Group dated March 29, 2011, regarding the Debtors' 217th and 218th Omnibus Objections to Claims (Duplicate Claims Filed by Individual Members of the Dex-Cool Class) (collectively, the "Objections") and your claim nos. 6334 and 28344, which are subject to the Objections.

I have tried to reach you to provide a further explanation of the Debtors' Objections as I believe that I may be able to resolve the concerns expressed in your letter. I would greatly appreciate it if you would call me at (214) 746-8141 so that we can discuss your letter and the Debtors' Objections.

Sincerely,

  
Sarah Decker

cc: Angela C. Zambrano, Esq.  
A.J. De Bartolomeo, Esq.



# **EXHIBIT 5**

**From:** jwaldro2@nycap.rr.com  
**Sent:** Friday, April 15, 2011 7:26 PM  
**To:** Decker, Sarah  
**Subject:** Re: In re Motors Liquidation Co. (f/k/a General Motors Corp.)

thank you but I feel my questions have been answered by Gerard Gibbs Attys---- "Decker wrote:  
> Ms. Waldrop,

>  
> Please see the attached letter regarding the Debtors' 217th and 218th Omnibus Objections to  
Claims.

>  
> Sincerely,  
> Sarah M. Decker

>  
> [cid:image001.jpg@01CBFB59.F72BE020]

>  
> Sarah Moore Decker  
>  
> Weil, Gotshal & Manges LLP  
> 200 Crescent Court, Suite 300  
> Dallas, TX 75201-6950  
> sarah.decker@weil.com<mailto:sarah.decker@weil.com>  
> +1 214 746 8141 Direct  
> +1 214 746 7700 Office  
> +1 214 746 7777 Fax

>  
>  
> \_\_\_\_\_  
> The information contained in this email message is intended only for use of the individual  
or entity named above. If the reader of this message is not the intended recipient, or the  
employee or agent responsible to deliver it to the intended recipient, you are hereby  
notified that any dissemination, distribution or copying of this communication is strictly  
prohibited. If you have received this communication in error, please immediately notify us by  
email (postmaster@weil.com), and destroy the original message. Thank you.

# **EXHIBIT 6**

## GIRARD GIBBS LLP

Attorneys at Law

601 California Street, 14th Floor  
San Francisco, CA 94108-2819  
Tel: 415.981.4800 | Fax: 415.981.4846  
www.girardgibbs.com

711 Third Avenue, 20th Floor  
New York, NY 10017-4036  
Tel: 212.867.1721  
Fax: 212.867.1767

April 19, 2011

### VIA FEDERAL EXPRESS

Joan M. Waldrop  
169 Cedarview Drive  
Watervliet, New York 12189

**Re: *In re Motors Liquidation Company, et al., f/k/a General Motors Corp., et al.*  
Chapter 11 Case No. 09-50026 (REG) (Bankr. S.D.N.Y.)  
DEX Claim No. 00028344; GM-BK POC No. 4810 and 70028**

Dear Ms. Waldrop:

This letter follows up my telephone message for you of today. As I mentioned in the voicemail, I was one of the attorneys for the consumer class in the DEX-Cool case, and I am still acting for the class members in the bankruptcy proceeding. As you have discussed with my office recently, your bankruptcy proof of claim is duplicative of the class proof of claim that was filed on behalf of the DEX-Cool claimants who submitted valid claims in the DEX-Cool class action and have not yet been paid (like you).

On April 26, 2011, we will appear before the bankruptcy Judge to ask him to approve the DEX-Cool settlement in the bankruptcy court so that the claimants who submitted valid claims in the DEX-Cool class action and have not yet been paid (like you) will be able to receive settlement payments in the bankruptcy court.

Your DEX-Cool Class Settlement Claim. You submitted your DEX-Cool class action settlement claim timely and with supporting documentation. Because the Settlement terms required that the claimant identify the mileage for the vehicle, on January 30, 2009, the Claims Administrator sent you a deficiency letter and requested that you provide documentation to establish that there were 150,000 miles or less on the vehicle at the time of the repair. You responded to the deficiency notice and confirmed the mileage on the vehicle.

Your Bankruptcy Proof of Claim (Individual). You also filed an individual Proof of Claim in the Bankruptcy Court.

DEX-Cool Class Proof of Claim. As I mentioned in my voicemail, Plaintiffs' Class Counsel filed a Class Proof of Claim on behalf of all DEX-Cool class members who had submitted valid claims under the Settlement but had not yet been paid in accordance with the Settlement terms when General

To: Joan M. Waldrop

Re: *In re Motors Liquidation Company, et al., f/k/a General Motors Corp., et al.*

April 19, 2011

Page 2

Motors filed for bankruptcy protection in June 2009. The Class POC does not reflect any of the names of the underlying class members. I enclose a copy of the DEX-Cool Class POC herewith for your files. We have reviewed the database of claims provided to us by the Claims Administrator and your claim for repairs to your 2003 Chevrolet Impala in year five of ownership in the amount of \$859.23 is included in the Class Proof of Claim we filed.

GM filed papers asking the Bankruptcy Court to "expunge" your individual proof of claim filed in the Bankruptcy Court because your claim under the DEX-Cool settlement is already included in the Class Proof of Claim. As such, your individual POC is duplicative of the DEX-Cool Class POC.

Since your DEX-Cool claim is included within the Class POC that is now before the Bankruptcy Court for approval as an "allowed" claim, we ask that you please withdraw your objection to the motion to expunge your individual POC. In accordance with that effort, please find enclosed a form for your signature that will serve to withdraw your response to the Debtors' 218th Omnibus Objection to Claims (Duplicate Claims Filed by Individual Members of the Dex-Cool Class) (the "Objection"). By signing the enclosed form, you will tell the Bankruptcy Court that you no longer disagree with GM's Objection with respect to your Bankruptcy proof of claim. Your legal rights are still protected because your claim is included in the Class Proof of Claim.

If you have any questions about this correspondence, or wish to discuss this further, please do not hesitate to contact me at our toll-free number, 866-981-4800.

Please sign and return the enclosed form to the GM counsel listed on the label using the enclosed prepaid FedEx envelope by Thursday, **April 21, 2011**. We are enclosing a list of FedEx offices in your area. Please do not hesitate to contact me at our toll-free number 866-981-4800, or GM's counsel, Sarah Decker at (214) 746-7700 if you have any questions.

Very truly yours,

  
GIRARD GIBBS LLP

A. J. De Bartolomeo

# **EXHIBIT 7**



UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
<p>Name of Debtor (Check Only One)  <input checked="" type="checkbox"/> Motors Liquidation Company (f/k/a General Motors Corporation)  <input type="checkbox"/> MLCS, LLC (f/k/a Saturn, LLC)  <input type="checkbox"/> MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation)  <input type="checkbox"/> MLC of Harlem, Inc (f/k/a Chevrolet-Saturn of Harlem, Inc )</p> <p>Case No            09-50026 (REG)            09-50027 (REG)            09-50028 (REG)            09-13558 (REG)</p> <p><small>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case but may be used for purposes of asserting a claim under 11 U.S.C. § 503(b)(9) (see Item # 5). All other requests for payment of an administrative expense should be filed pursuant to 11 U.S.C. § 503.</small></p>	<p>Your Claim is Scheduled As Follows:</p> <div style="text-align: center; margin: 20px;"> </div> <p><small>If an amount is identified above, you have a claim scheduled by one of the Debtors as shown (This scheduled amount of your claim may be an amendment to a previously scheduled amount). If you agree with the amount and priority of your claim as scheduled by the Debtor and you have no other claim against the Debtor, you do not need to file this proof of claim form EXCEPT AS FOLLOWS: If the amount shown is listed as DISPUTED, UNLIQUIDATED, or CONTINGENT, a proof of claim MUST be filed in order to receive any distribution in respect of your claim. If you have already filed a proof of claim in accordance with the attached instructions, you need not file again.</small></p>	
<p>Name of Creditor (the person or other entity to whom the debtor owes money or property) <b>THERESA M. MCHUGH</b></p> <p>Name and address where notices should be sent  <b>THERESA M. MCHUGH</b>  <b>215 LATHROP ROAD</b>  <b>SYRACUSE, N.Y 13219 (315)</b>  <b>W-(315) 448-7210 H 468-2951</b></p> <p>Telephone number  <b>W-(315) 448-7210 H 468-2951</b></p> <p>Email Address <b>MCHUGH@SONYOCG.EDU</b></p> <p>Name and address where payment should be sent (if different from above)  <b>FILED - 70305</b>  <b>MOTORS LIQUIDATION COMPANY</b>  <b>F/K/A GENERAL MOTORS CORP</b>  <b>SDNY # 09-50026 (REG)</b></p> <p>Telephone number</p>	<p><input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim</p> <p>Court Claim Number _____          (If known)</p> <p>Filed on _____</p> <p><input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.</p> <p><input type="checkbox"/> Check this box if you are the debtor or trustee in this case.</p>	
<p>1 Amount of Claim as of Date Case Filed, June 1, 2009 \$ <b>610.93</b></p> <p><small>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. If all or part of your claim is asserted pursuant to 11 U.S.C. § 503(b)(9), complete item 5.</small></p> <p><input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.</p>	<p>5 Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.</p> <p>Specify the priority of the claim:</p> <p><input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4)</p> <p><input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5)</p> <p><input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal family or household use - 11 U.S.C. § 507(a)(7)</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)</p> <p><input type="checkbox"/> Value of goods received by the Debtor within 20 days before the date of commencement of the case - 11 U.S.C. § 507(b)(9) ( § 507(a)(2))</p> <p><input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(e) _____</p> <p style="text-align: right;">Amount entitled to priority \$ _____</p> <p><small>* Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small></p>	
<p>2 Basis for Claim <b>SERVICES PERFORMED TO REPAIR DEFICIENT MATERIALS</b>  <small>(See instruction #2 on reverse side)</small></p> <p>3 Last four digits of any number by which creditor identifies debtor _____</p> <p>3a Debtor may have scheduled account as* _____  <small>(See instruction #3a on reverse side)</small></p> <p>4 Secured Claim (See instruction #4 on reverse side)          Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.</p> <p>Nature of property or right of setoff <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Equipment <input type="checkbox"/> Other Describe _____</p> <p>Value of Property \$ _____ Annual Interest Rate % _____</p> <p>Amount of arrearage and other charges as of time case filed included in secured claim, if any \$ _____</p> <p>Basis for perfection _____</p> <p>Amount of Secured Claim \$ _____ Amount Unsecured \$ _____</p>	<p>6 Credits The amount of all payments on this claim has been credited for the purpose of making this proof of claim.</p> <p>7 Documents Attach redacted copies of any documents that support the claim such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side)</p> <p>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.</p> <p>If the documents are not available, please explain in an attachment.</p>	
<p>Date <b>5/25/10</b></p> <p>Signature The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney if any.</p> <p><b>THERESA M MCHUGH</b></p>	<p style="text-align: center;"><b>FOR COURT USE ONLY</b></p>	

# INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules. The attorneys for the Debtor and their court-appointed claims agent, The Garden City Group, Inc., are not authorized and are not providing you with any legal advice.

## A SEPARATE PROOF OF CLAIM FORM MUST BE FILED AGAINST EACH DEBTOR

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: IF BY MAIL, THE GARDEN CITY GROUP, INC., ATTN: MOTORS LIQUIDATION COMPANY CLAIMS PROCESSING, P.O. BOX 9386, DUBLIN, OH 43017-4286; IF BY HAND OR OVERNIGHT COURIER, THE GARDEN CITY GROUP, INC., ATTN: MOTORS LIQUIDATION COMPANY CLAIMS PROCESSING, 5151 BLAZIR PARKWAY, SUITE A, DUBLIN, OH 43017. PROOFS OF CLAIM MAY ALSO BE HAND DELIVERED TO THE UNITED STATES BANKRUPTCY COURT, SDNY, ONE BOWLING GREEN, ROOM 534, NEW YORK, NEW YORK 10004. ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR E-MAIL WILL NOT BE ACCEPTED.

THE GENERAL AND GOVERNMENTAL BAR DATE IS NOVEMBER 30, 2009 AT 5:00 PM (PREVAILING EASTERN TIME)

### Court, Name of Debtor, and Case Number

These Chapter 11 cases were commenced in the United States Bankruptcy Court for the Southern District of New York on June 1, 2009. You should select the debtor against which you are asserting your claim.

### A SEPARATE PROOF OF CLAIM FORM MUST BE FILED AGAINST EACH DEBTOR

### Creditor's Name and Address

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. Please provide us with a valid email address. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

### 1. Amount of Claim as of Date Case Filed

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### 2. Basis for Claim

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the debtor, trustee or another party in interest files an objection to your claim.

### 3. Last Four Digits of Any Number by Which Creditor Identifies Debtor

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor, if any.

### 3a. Debtor May Have Scheduled Account As

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

### 4. Secured Claim

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

### 5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507(a)

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

For claims pursuant to 11 U.S.C. § 503(b)(9), indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before June 1, 2009, the date of commencement of these cases. (See DEFINITIONS, below.) Attach documentation supporting such claim.

### 6. Credits

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the Debtor credit for any payments received toward the debt.

### 7. Documents

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

### Date and Signature

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

## DEFINITIONS

### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case. The Debtors in these Chapter 11 cases are:

Motors Liquidation Company (f/k/a General Motors Corporation)	09-50026 (RDG)
MLCS LLC (f/k/a Saturn, LLC)	09-50027 (RTG)
MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation)	09-50028 (RTG)
MLC of Harlem, Inc. (f/k/a Chevrolet-Saturn of Harlem, Inc.)	09-13558 (REG)

### Creditor

A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

### Claim

A claim is the creditor's right to receive payment on a debt that was owed by the Debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101(5). A claim may be secured or unsecured.

### Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with The Garden City Group, Inc. as described in the instructions above and in the Bar Date Notice.

### Secured Claim Under 11 U.S.C. § 506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be

paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

### Section 503(b)(9) Claim

A Section 503(b)(9) claim is a claim for the value of any goods received by the debtor within 20 days before the date of commencement of a bankruptcy case in which the goods have been sold to the debtor in the ordinary course of such debtor's business.

### Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. § 507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's

## INFORMATION

tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement or other document showing that the lien has been filed or recorded.

### Acknowledgment of Filing of Claim

To receive acknowledgment of your filing from The Garden City Group, Inc., please provide a self-addressed, stamped envelope and a copy of this proof of claim when you submit the original claim to The Garden City Group, Inc.

### Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) and any applicable orders of the bankruptcy court.

### Additional Information

If you have any questions with respect to this claim form, please contact Alix Partners at 1 (800) 414-9607 or by e-mail at [claims@motorsliquidation.com](mailto:claims@motorsliquidation.com).



Theresa M McHugh  
215 Lathrop Road  
Syracuse, NY 13219  
Home: (315) 468-2951  
Work (315) 498-7210

May 25, 2010

The Garden City Group, Inc.  
Attn: Motors Liquidation Company Claims Processing  
P O Box 9386  
Dublin, OH 43017-4286

RE 2002 Buick LeSabre

I was not notified that I had to submit another Proof of Claim in the General Motors bankruptcy proceeding as of November 30, 2009 as the entire claims process changed and became subject to the bankruptcy proceeding

I previously submitted a Proof of Claim to Dex Cool Liquidation c/o your group *twice*: once 6/1/08 and again 4/27/09 with a cover letter Please see all attached.

Having received no further correspondence since 4/27/09, I checked the DEX Cool Liquidation web site information and found I was not listed as one of the creditors.

I am asking you to add me as a late addition to the proceedings Please find enclosed all Proof of Claims with receipts sent on above dates.

Thank you

Sincerely,

  
Theresa M McHugh

Enclosures

215 Lathrop Road  
Syracuse, New York 13219  
H (315) 468-2951  
W (315) 498-7210

April 28, 2009

Dex Cool Litigation  
C/o The Garden City Group, Inc.  
P.O. Box 9239  
Dublin, OH 43017-4639

Re 2002 Buick LeSabre

Please find enclosed original claim form and new claim form filled out  
In addition, find enclosed the Notice of Deficiency

I am seeking damage resolution only to the circled item on the invoice

**Upper and Lower Intake Leaking**  
**Replaced Plastic Upper Intake and Lower Gaskets**  
**Refilled with Coolant**  
**Changed Oil and Filter**  
**Pressure Tested System**

**Labor: \$301.00**

**Parts: \$309.93**

**Total: \$610.93**

The repair was part of a larger repair invoice and included on that invoice

I hope this clears up the deficiency

Thank you

Sincerely,

Theresa M McHugh

Dex Cool Litigation  
c/o The Garden City Group, Inc  
P O Box 9239  
Dublin, OH 43017-4639

DX2-MUL



Date April 22, 2009  
Response Due Date May 13, 2009

### **NOTICE OF DEFICIENCY**

Dear Claimant

The Claim Statement you submitted in the Dex Cool Litigation Settlement was processed and found to be deficient

#### **Reason for Deficiency**

**Multiple repair expenditure documents.** You indicated more than one repair expenditure but did not submit a separate set of documents (Claim Statement form, proof of repair payment, and proof of ownership or lease) for each reimbursement Claim

#### **How to Resolve Your Claim's Deficiency**

**Multiple repair expenditure documents.** For each eligible repair expenditure for which you were intending to file a reimbursement Claim, please provide a separate Claim Statement form and proof of repair payment. You are only required to submit one proof of ownership or lease per Covered Vehicle. A Claim Statement form is enclosed with this Notice. If you need more forms, you can photocopy this one.

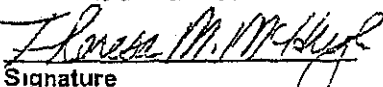
Please sign and print your name below.

**Please return the requested documentation and a copy of this letter to the following address**  
**Dex Cool Litigation, c/o The Garden City Group, Inc., PO Box 9239, Dublin, OH 43017-4639**

Depending upon your circumstances, you may be able to cure the Deficiency Reason stated above. If your response to this Deficiency Notice does not cure the Deficiency Reason stated above, on or before May 13, 2009, your Claim will be deemed invalid and you will not receive a Settlement reimbursement check. No further correspondence will be sent to you regarding your Claim.

I certify that the following is true and correct to the best of my knowledge and belief

- (a) I own or lease, or previously owned or leased, a Covered Vehicle on which a Covered Repair was completed within the earlier of seven years or 150,000 miles of the Date of Initial Vehicle Delivery, and
- (b) the information I have provided on the Claim Statement previously submitted and in response to this Notice of Deficiency is true and correct

  
Signature

TERESA M. MCHUGH  
Print Name

**You must submit your response to the Claims Administrator NO LATER THAN MAY 13, 2009.**

**Questions? Please call toll-free 866-245-4291 or visit [www.dexcoolsettlement.com](http://www.dexcoolsettlement.com)**

09-50026-mg  
MUST BE  
RETURNED NO  
LATER THAN  
MAY 13, 2009

Doc 10110

Filed 04/21/11 Entered 04/21/11 11:56:42

Main Document

Pg 36 of 54

Dex Cool Litigation  
c/o The Garden City Group, Inc.  
P.O. Box 9239  
Dublin, OH 43017-4639  
Toll-Free: 1 (866) 245-4291



Claim Number

Control Number



THERESA MCHUGH  
215 LATHROP ROAD  
SYRACUSE, NY 13219

**REQUIRED ADDRESS INFORMATION OR CORRECTIONS**

If the pre-printed address to the left is incorrect or out of date, OR if there is no preprinted data to the left, **YOU MUST** provide your current name and address here

Name

Address

City/State/Zip


***Sadowski v. General Motors Corp., Case No. HG03093843***  
**(Superior Court of the State of California for the County of Alameda)**

**CLAIM STATEMENT**

To make a claim in the class action settlement in the above case, please complete and return this form, no later than May 13, 2009, to:

Dex Cool Litigation  
c/o The Garden City Group, Inc.  
P.O. Box 9239  
Dublin, OH 43017-4639

**A. PERSONAL INFORMATION**

Telephone number.

(315) 468-2951

**B. INFORMATION ABOUT VEHICLE FOR WHICH YOU ARE MAKING THIS CLAIM**

Please note that your claim must be based on one of the vehicles listed below. If you own one of the models listed below but with a different engine size than what is listed, or if the vehicle was manufactured using a lower intake manifold gasket other than a nylon/silicone gasket, then you are not covered by the settlement and are not eligible to file a claim.

**C. INFORMATION ABOUT REPAIR FOR WHICH YOU ARE MAKING THIS CLAIM**

Please check ONE box only. The repair must have been performed within seven years or 150,000 miles (whichever is earlier) after the date the original owner or lessee took delivery of the vehicle.

- (a) ☐ My claim is based on a Group A vehicle and a Group A repair, meaning replacement of a failed lower intake manifold gasket.
- (b) ☒ My claim is based on a Group B vehicle and a Group B repair, meaning an engine sealability repair, including but not limited to replacement of a throttle body gasket, upper intake manifold gasket, lower intake manifold gasket, or intake manifold
- (c) ☐ My claim is based on a Group C vehicle and a Group C repair, meaning a repair necessitated by formation of sludge in the cooling system, such as a cooling-system flush, heater core repair, water pump repair, or radiator cap replacement.

**D. REQUESTED REIMBURSEMENT**

Please check ONE box only and supply the requested dollar figure.

- (a) ☒ The repair was performed within five years after the original owner or lessee took delivery of the vehicle. After any rebates or reimbursements, I incurred a cost of \$ 610.93 for the repair.
- (b) ☐ The repair was performed within five years after the original owner or lessee took delivery of the vehicle. The repair included a procedure necessary to remedy a diagnosed internal engine coolant leak. I paid over \$1,500 for the repair. After any rebates or reimbursements, I incurred a cost of \$ \_\_\_\_\_ for the repair.
- (c) ☐ The repair was performed in the sixth year after the original owner or lessee took delivery of the vehicle. After any rebates or reimbursements, I incurred a cost of \$ \_\_\_\_\_ for the repair.
- (d) ☐ The repair was performed in the seventh year after the original owner or lessee took delivery of the vehicle. After any rebates or reimbursements, I incurred a cost of \$ \_\_\_\_\_ for the repair.

**E. REQUIRED DOCUMENTATION**

**You must attach or enclose both of the following two types of documentation. Provide copies only. Do not submit original documents.**

- (a) **Proof of ownership or lease at the time of repair.** For this requirement, you must provide documentation that you owned or leased the vehicle identified above at the time the indicated repair was performed. Acceptable documentation includes a copy of a vehicle registration card, proof of insurance coverage, title certificate, bill of sale, or lease agreement.
- (b) **Proof of repair expenditure.** For this requirement, you must provide documentation that the repair was performed and that you paid the repair cost you specified above. Acceptable documentation includes a repair invoice or a receipt showing payment for the repair. If a repair invoice or repair receipt is not available, you may submit (i) a written statement from the person or business who made the repair stating that the repair invoice or other contemporaneous documentation of the repair is unavailable and that the repair qualified as the type of repair you indicated above (i.e., Group A, Group B, or Group C repair); and (ii) proof that you paid the amount you specified above, such as a credit card statement or cancelled check. If you are unable to provide any of the above documentation, you may submit the best available written statement or other documentation that you believe demonstrates proof of the repair expenditure. In that case, the Claims Administrator and the parties will review all claims with such documentation and jointly decide whether to approve your claim.

**F. CERTIFICATION**

**(Please read, sign, and date the following statement.)**

I certify that all statements I have made on this form are true and correct to the best of my knowledge and belief.

Theresa M. McHugh  
Signature

04.27.09  
Date

**B. INFORMATION ABOUT VEHICLE FOR WHICH YOU ARE MAKING THIS CLAIM**

GROUP A VEHICLES

Model years 1995-2003

Equipped with 3.1-liter or 3.4-liter V6 engine and manufactured before April 10, 2003

Buick	Century, Rendezvous, Regal, Skylark
Chevrolet	Impala, Lumina, Malibu, Monte Carlo, Venture, Corsica, Beretta, Lumina APV
Oldsmobile	Alero, Cutlass (Supreme and Ciera), Silhouette
Pontiac	Aztek, Grand Am, Grand Prix, Montana, Trans Sport

GROUP B VEHICLES

Model years 1995-2004

Equipped with 3.8-liter V6 engine (internal GM engine designation RPO L36)

Buick	LeSabre, Park Avenue, Regal, Riviera
Chevrolet	Camaro, Impala, Lumina, Monte Carlo
Oldsmobile	Eighty-Eight, Intrigue, LSS, Ninety-Eight
Pontiac	Bonneville, Firebird, Grand Prix

GROUP C VEHICLES

Model years 1995-2000

Equipped with 4.3-liter V6 engine

Chevrolet	Blazer, Chevrolet S-10
GMC	Envoy, Jimmy, S-15
Oldsmobile	Bravada

Year/make/model of your vehicle: 2002 BUICK LESABRE

Vehicle identification number: 1G4HP54K724104581

I (circle one) OWNED / LEASED this vehicle

from 12/03 (month/year)

to 5/09 (month/year) STILL OWN  
VEHICLE

MUST BE  
POSTMARKED OR  
SUBMITTED ONLINE  
NO LATER THAN  
OCTOBER 27, 2008

Dex Cool Litigation  
c/o The Garden City Group, Inc.  
P.O. Box 9239  
Dublin, OH 43017-4639  
Toll-Free: 1 (866) 245-4291

DX2

Claim Number 7030906

Control Number 7652662368

THERESA MCHUGH  
215 LATHROP ROAD  
SYRACUSE, NY 13219

**REQUIRED ADDRESS INFORMATION OR CORRECTIONS**

If the pre-printed address to the left is incorrect or out of date, OR if there is no preprinted data to the left, YOU MUST provide your current name and address here

Name

Address

City/State/Zip

**Sadowski v. General Motors Corp., Case No. HG03093843**  
**(Superior Court of the State of California for the County of Alameda)**

**CLAIM STATEMENT**

To make a claim in the class action settlement in the above case, please complete and mail this form, postmarked no later than October 27, 2008, to:

Dex Cool Litigation  
c/o The Garden City Group, Inc.  
P.O. Box 9239  
Dublin, OH 43017-4639

Alternatively, you may submit your claim online at [www.DexCoolSettlement.com](http://www.DexCoolSettlement.com) no later than midnight on October 27, 2008.

**A. PERSONAL INFORMATION**

Telephone number.

(315) 468-2951

**B. INFORMATION ABOUT VEHICLE FOR WHICH YOU ARE MAKING THIS CLAIM**

Please note that your claim must be based on one of the vehicles listed below. If you own one of the models listed below but with a different engine size than what is listed, or if the vehicle was manufactured using a lower intake manifold gasket other than a nylon/silicone gasket, then you are not covered by the settlement and are not eligible to file a claim.



**B. INFORMATION ABOUT VEHICLE FOR WHICH YOU ARE MAKING THIS CLAIM**

GROUP A VEHICLES

Model years 1995-2003

Equipped with 3.1-liter or 3.4-liter V6 engine and manufactured before April 10, 2003

Buick	Century, Rendezvous, Regal, Skylark
Chevrolet	Impala, Lumina, Malibu, Monte Carlo, Venture, Corsica, Beretta, Lumina APV
Oldsmobile	Alero, Cutlass (Supreme and Ciera), Silhouette
Pontiac	Aztek, Grand Am, Grand Prix, Montana, Trans Sport

GROUP B VEHICLES

Model years 1995-2004

Equipped with 3.8-liter V6 engine (internal GM engine designation RPO L36)

Buick	LeSabre, Park Avenue, Regal, Riviera
Chevrolet	Camaro, Impala, Lumina, Monte Carlo
Oldsmobile	Eighty-Eight, Intrigue, LSS, Ninety-Eight
Pontiac	Bonneville, Firebird, Grand Prix

GROUP C VEHICLES

Model years 1995-2000

Equipped with 4.3-liter V6 engine

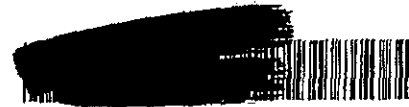
Chevrolet	Blazer, Chevrolet S-10
GMC	Envoy, Jimmy, S-15
Oldsmobile	Bravada

Year/make/model of your vehicle 2002 BUICK LESABRE

Vehicle identification number 1G4HP54K724104581

I (circle one) OWNED / LEASED this vehicle

from 12/03 (month/year)  
to 6/08 (month/year) STILL OWN



**C. INFORMATION ABOUT REPAIR FOR WHICH YOU ARE MAKING THIS CLAIM**

Please check ONE box only. The repair must have been performed within seven years or 150,000 miles (whichever is earlier) after the date the original owner or lessee took delivery of the vehicle.

- (a) ☐ My claim is based on a Group A vehicle and a Group A repair, meaning replacement of a failed lower intake manifold gasket
- (b) ☒ My claim is based on a Group B vehicle and a Group B repair, meaning an engine sealability repair, including but not limited to replacement of a throttle body gasket, upper intake manifold gasket, lower intake manifold gasket, or intake manifold
- (c) ☐ My claim is based on a Group C vehicle and a Group C repair, meaning a repair necessitated by formation of sludge in the cooling system, such as a cooling-system flush, heater core repair, water pump repair, or radiator cap replacement.

**D. REQUESTED REIMBURSEMENT**

Please check ONE box only and supply the requested dollar figure.

- (a) ☒ The repair was performed within five years after the original owner or lessee took delivery of the vehicle. After any rebates or reimbursements, I incurred a cost of \$ 610.93 for the repair.
- (b) ☐ The repair was performed within five years after the original owner or lessee took delivery of the vehicle. The repair included a procedure necessary to remedy a diagnosed internal engine coolant leak. I paid over \$1,500 for the repair. After any rebates or reimbursements, I incurred a cost of \$ \_\_\_\_\_ for the repair.
- (c) ☐ The repair was performed in the sixth year after the original owner or lessee took delivery of the vehicle. After any rebates or reimbursements, I incurred a cost of \$ \_\_\_\_\_ for the repair.
- (d) ☐ The repair was performed in the seventh year after the original owner or lessee took delivery of the vehicle. After any rebates or reimbursements, I incurred a cost of \$ \_\_\_\_\_ for the repair.

**E. REQUIRED DOCUMENTATION**

You must attach or enclose both of the following two types of documentation. Provide copies only. Do not submit original documents.

- (a) **Proof of ownership or lease at the time of repair.** For this requirement, you must provide documentation that you owned or leased the vehicle identified above at the time the indicated repair was performed. Acceptable documentation includes a copy of a vehicle registration card, proof of insurance coverage, title certificate, bill of sale, or lease agreement.
- (b) **Proof of repair expenditure.** For this requirement, you must provide documentation that the repair was performed and that you paid the repair cost you specified above. Acceptable documentation includes a repair invoice or a receipt showing payment for the repair. If a repair invoice or repair receipt is not available, you may submit (i) a written statement from the person or business who made the repair stating that the repair invoice or other contemporaneous documentation of the repair is unavailable and that the repair qualified as the type of repair you indicated above (i.e., Group A, Group B, or Group C repair); and (ii) proof that you paid the amount you specified above, such as a credit card statement or cancelled check. If you are unable to provide any of the above documentation, you may submit the best available written statement or other documentation that you believe demonstrates proof of the repair expenditure. In that case, the Claims Administrator and the parties will review all claims with such documentation and jointly decide whether to approve your claim.

**F. CERTIFICATION**

(Please read, sign, and date the following statement.)

I certify that all statements I have made on this form are true and correct to the best of my knowledge and belief

*Theresa M. McFly*  
Signature

06 / 01 / 08  
Date

*[Handwritten signature]*

NEW YORK STATE REGISTRATION DOCUMENT

PAS  
BXZ7676  
2002 BUICK NONTRANSFERABLE  
ADSD BL 1G4HP54K724104581  
3500 G 6 MCAH0433 AUG 22 2006  
Vehicle Paid On CAH UTD749

McHUGH, THERESA, M Expires 08/24/08  
215 LATHROP RD 22.50  
SYRACUSE NY 13219 ANNUAL CHRG  
1191438R Auto Paid (INCL ADD CHRG)  
45.00

VOID IF ALTERED EXCEPT FOR ADDRESS





CUSTOMER NO <b>112221</b>		ADVISOR <b>RON</b>	TAG NO <b>70</b>	INVOICE DATE <b>10/02/07</b>	INVOICE NO <b>BUCS12839</b>
THERESA M MCHUGH 215 LATHROP RD SYRACUSE, NY 13219		LABOR RATE	LICENSE NO	MILEAGE <b>49,757</b>	COLOR <b>BL/</b>
		YEAR / MAKE / MODEL <b>02/BUICK/LESABRE/4 DOOR SEDAN</b>			DELIVERY DATE
		VEHICLE ID NO <b>1 G 4 H P 5 4 K 7 2 4 1 0 4 5 8 1</b>			DELIVERY MILES
		FTE NO			SELLING DEALER NO
RESIDENCE PHONE <b>315-468-2951</b>		BUSINESS PHONE <b>315-498-6046</b>		COMMENTS <b>MO. 49757</b>	

**JOB# 1 CHARGES**

LABOR  
J# 1 41BUZ05 ABS LIGHT ON HOURS TECH(S) 94 142 00  
CUSTOMER STATES ABS LIGHT ON  
FOUND THE RH HUB ABS SENSOR BAD REPLACED HUB AND BEARING  
AND CLEARED CODES

PARTS	QTY	FP NUMBER	DESCRIPTION	UNIT PRICE	
	1	88964168	*HUB 6 307	283 17	283 17
				TOTAL - PARTS	283 17

**DISCLAIMER OF WARRANTIES**  
The seller hereby expressly disclaims all warranties either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose and neither assumes nor authorizes any person to assume for it any liability in connection with the sale of said products

**JOB# 1 TOTALS**

LABOR	142 00
PARTS	283 17
<b>JOB# 1 TOTAL</b>	<b>425 17</b>

**JOB# 2 CHARGES**

LABOR  
J# 2 03BUZ01 SAFETY & EMISSIONS HOURS TECH(S) 94 21 00  
N Y S I SAFETY AND EMISSIONS  
# 6542191

PARTS	QTY	FP NUMBER	DESCRIPTION	UNIT PRICE	
	2	9421330	BULB 8 991	1 99	3 98
				TOTAL PARTS	3 98

**JOB# 2 TOTALS**

LABOR	21 00
PARTS	3 98
<b>JOB# 2 TOTAL</b>	<b>24 98</b>

**JOB# 3 CHARGES**

LABOR  
J# 3 46BUZ WHEELS/TIRES HOURS TECH(S) 94 19 95  
MOUNT CUSTOMER SUPPLIED 4 TIRES ON RIMS FOR WINTER  
PUT CUSTOMERS 4 SNOW TIRES

MISC	CODE	DESCRIPTION	CONTROL NO	
	IT	TIRE TAX		2 50
				TOTAL MISC

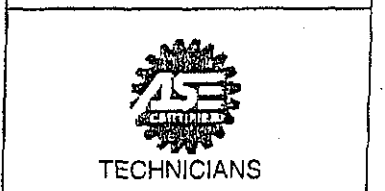
**JOB# 3 TOTALS**

LABOR	19 95
MISC	2 50
<b>JOB# 3 TOTAL</b>	<b>22 45</b>

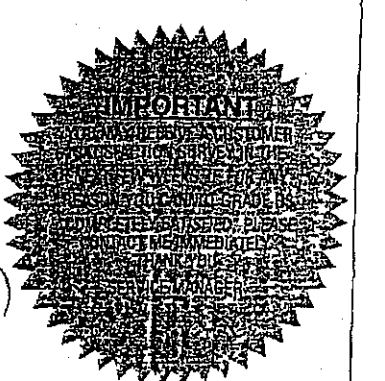
**JOB# 4 CHARGES**

LABOR  
J# 4 11BUZ01 FLUID LEAK ENGINE HOURS TECH(S) 094 94 301 00  
FOUND UPPER AND LOWER INTAKE LEAKING

**ALL PARTS ARE NEW OR FACTORY REBUILT UNLESS OTHERWISE SPECIFIED REPLACED PARTS WILL BE DISCARDED UNLESS SPECIFIED**



*Thank You!*  
For bringing your vehicle to us for service





CUSTOMER NO <b>112221</b>		ADVISOR <b>RON</b>	TAG NO <b>70</b>	INVOICE DATE <b>10/02/07</b>	INVOICE NO <b>BUCS12839</b>	
THERESA M MCHUGH 215 LATHROP RD SYRACUSE, NY 13219		LABOR RATE	LICENSE NO	MILEAGE <b>49,757</b>	COLOR <b>BL</b>	
		YEAR / MAKE / MODEL <b>02 / BUICK / LESABRE / 4 DOOR SEDAN</b>			DELIVERY DATE	DELIVERY MILES
		VEHICLE ID NO <b>1 G 4 H P 5 4 K 7 2 4 1 0 4 5 8 1</b>			SELLING DEALER NO	PRODUCTION DATE
RESIDENCE PHONE <b>315-468-2951</b>		BUSINESS PHONE <b>315-498-6046</b>		COMMENTS <b>MO 49757</b>		

REPLACED PLASTIC UPPER INTAKE AND LOWER GASKETS  
REFILLED WITH COOLANT AND CHANGED OIL AND FILTER  
PRESSURF TESTED SYSTEM

PARTS-	QTY	FP NUMBER	DESCRIPTION	UNIT PRICE	
	1	89017272	MANIFOLD 3 265	158 00	158 00
	1	89017554	GASKET KI 3 270	37 00	37 00
	1	89017816	GASKET KI 3 270	63 29	63 29
	1	12346290M	ANTI FREEZ	11 99	11 99
	1	PK47	OIL AND FILTER	14 95	14 95
	1	12490147	FILTER 1 836	****	****
	5	OIL	5W30	****	****
	1	24505924	THERMOSTA 1 246	14 83	14 83
	1	24503423	PIPE ASM 8 846	9 87	9 87
TOTAL PARTS					309 93

JOB# 4 TOTALS

LABOR 301 00  
PARTS 309 93

JOB# 4 JOURNAL PREFIX BUCS JOB# 4 TOTAL 610 93

JOB# 5 CHARGES

LABOR J# 5+51BUZ BODY ELECTRICAL HOURS TECH(S) 94 9.95  
REPLACED A LR AND RR MARKER BULBS FOR INSPECTION

JOB# 5 TOTALS

LABOR 9 95

JOB# 5 JOURNAL PREFIX BUCS JOB# 5 TOTAL 9 95

COMMENTS  
LONER 7 30

TECHNICIAN CERTIFICATION-  
94

LANNY J COLEMAN

EE25

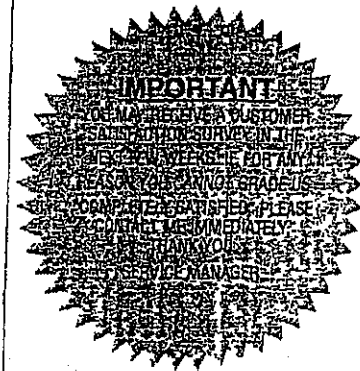
**DISCLAIMER OF WARRANTIES**  
The seller hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose and neither assumes nor authorizes any person to assume for it any liability in connection with the sale of said products.

ALL PARTS ARE NEW OR FACTORY REBUILT  
UNLESS OTHERWISE SPECIFIED  
REPLACED PARTS WILL BE DISCARDED  
UNLESS SPECIFIED



TECHNICIANS

*Thank You!*  
For bringing your  
vehicle to us for service





CUSTOMER NO <b>112221</b>		ADVISOR <b>RON</b>		TAG NO <b>70</b>	INVOICE DATE <b>10/02/07</b>	INVOICE NO <b>BUCS12839</b>	
THERESA M MCHUGH 215 LATHROP RD SYRACUSE, NY 13219		LABOR RATE	LICENSE NO	MILEAGE <b>49,757</b>	COLOR <b>BL/</b>	STOCK NO	
		YEAR / MAKE / MODEL <b>02/BUICK/LESABRE/4 DOOR SEDAN</b>				DELIVERY DATE	DELIVERY MILES
		VEHICLE ID NO <b>1 G 4 H P 5 4 K 7 2 4 1 0 4 5 8 1</b>				DELING DEALER NO	PRODUCTION DATE
		FTE NO		P O NO	R O DATE <b>10/02/07</b>		
RESIDENCE PHONE <b>315-468-2951</b>	BUSINESS PHONE <b>315-498-6046</b>	COMMENTS				<b>MO 49757</b>	

TOTALS		TOTAL LABOR 493 90 TOTAL PARTS 597 08 TOTAL SUBLET 0 00 TOTAL G O G 0 00 TOTAL MISC CHG 2 50 TOTAL MISC DISC 0 00 TOTAL TAX 85 28 <b>TOTAL INVOICE \$ 1178.76</b>		<b>DISCLAIMER OF WARRANTIES</b> The seller hereby expressly disclaims all warranties either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose and neither assumes nor authorizes any person to assume for it any liability in connection with the sale of said products
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THANK YOU FOR YOUR BUSINESS!!

CUSTOMER SIGNATURE



TECHNICIANS

*Thank You!*  
For bringing your vehicle to us for service



SUNRIE BUICK PONTIAC  
100 N MAIN ST  
ELBRIDGE, NY 13860  
315-689-3511  
2782009533101

Sale

ID: 2782009533101

18/03/07

Batch # 0095

BT 20-45

VISA

3767

Appr Code: 000117

Total:

\$ 1170.76

Exp: 05/09

Invoice #: 001002

Customer Copy  
THANK YOU  
COME AGAIN!





# **EXHIBIT 8**

## GIRARD GIBBS LLP

Attorneys at Law

601 California Street, 14th Floor  
San Francisco, CA 94108-2819  
Tel: 415.981.4800 | Fax: 415.981.4846  
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711 Third Avenue, 20th Floor  
New York, NY 10017-4036  
Tel: 212.867.1721  
Fax: 212.867.1767

April 12, 2011

### VIA FEDERAL EXPRESS

Theresa M. McHugh  
215 Lathrop Road  
Syracuse, New York 13219

**Re: *In re Motors Liquidation Company, et al., f/k/a General Motors Corp., et al.*  
Chapter 11 Case No. 09-50026 (REG) (Bankr. S.D.N.Y.)  
DEX Claim No. 51095; GM-BK POC No. 70305  
2002 Buick LeSabre with Original Purchase Date 6/26/2001**

Dear Theresa:

This letter confirms our telephone conversation of this afternoon regarding your DEX-Cool class action claim and your General Motors Bankruptcy Proof of Claim.

Your DEX-Cool Class Settlement Claim; Claim No. 51095. You submitted your DEX-Cool class action settlement claim timely and with supporting documentation reflected multiple repairs. Because the Settlement terms required that claims for multiple repairs be submitted on separate claim forms, the Claims Administrator sent you a deficiency letter asking you to submit separate claim forms for each of the separate repairs that you wanted to include in your claim. You responded to the deficiency notice and confirmed that the only repair you wanted to include in the DEX-Cool settlement was the fluid leak in the upper and lower intake manifold gaskets that was performed on October 2, 2007.

Your Bankruptcy Proof of Claim (Individual); POC No. 70305. You filed an individual Proof of Claim in the Bankruptcy Court.

DEX-Cool Class Proof of Claim. As we discussed, Class Counsel filed a Class Proof of Claim on behalf of all DEX-Cool class members who had submitted valid claims under the Settlement but had not yet been paid in accordance with the Settlement terms when General Motors filed for bankruptcy protection in June 2009. The Class POC does not reflect any of the names of the underlying class members. I enclose a copy of the DEX-Cool Class POC herewith for your files. We

To: Theresa McHugh  
Re: GM-BK; DEX-Cool Class Proof of Claim  
April 12, 2011  
Page 2.

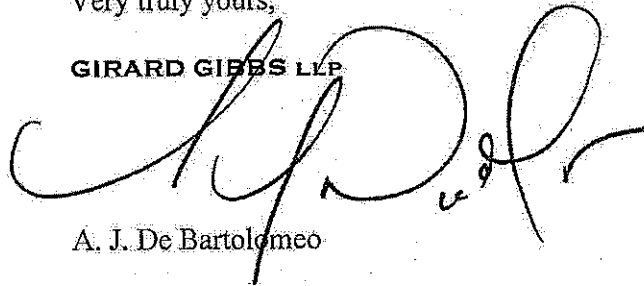
have reviewed the database of claims provided to us by the Claims Administrator and your claim for the 2007 gasket repairs on the 2002 Buick LeSabre are included in the Class Proof of Claim we filed.

The Debtor moved to expunge your individual proof of claim filed in the Bankruptcy Court because your claim under the DEX-Cool settlement is already included in the Class Proof of Claim. As such, your individual POC is duplicative of the DEX-Cool Class POC.

Since your DEX-Cool claim is included within the Class POC that is now before the Bankruptcy Court for approval as an "allowed" claim, we ask that you please withdraw your objection to the motion to expunge your individual POC. If you have any questions about this correspondence, or wish to discuss this further, please do not hesitate to contact me at our toll-free number, 866-981-4800.

Very truly yours,

GIRARD GIBBS LLP

A large, stylized handwritten signature in black ink, appearing to read 'A. J. De Bartolomeo', is written over the printed name.

A. J. De Bartolomeo

Enclosure

# **EXHIBIT 9**

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**From:** McHugh, Theresa [<mailto:mchught@sunyocc.edu>]  
**Sent:** Tuesday, April 19, 2011 4:50 AM  
**To:** A.J. De Bartolomeo  
**Subject:** Information and Help on the Dex Litigation  
**Importance:** High

Good Morning,

Thank you for the phone calls and the package of information regarding my claims against General Motors and Dex-Cool.

Since I do not see evidence of my claim # 51095 on the class action aspect, I cannot withdraw my complaint against General Motors.

If a check was sent to me in the amount of \$610.93, I would request both claims be withdrawn. I am sorry that I cannot withdraw my claim # 70305.

Theresa M. McHugh, Office Manager  
OCC Student Association  
4585 West Seneca Turnpike  
Syracuse, New York 13215-4585  
T: 315-498-7210 F: 315-498-7263